

PURPOSE

To protect the privacy rights of individuals receiving benefits from one or more the Michigan Department of Health and Human Services' (MDHHS) health programs by providing an accounting of disclosures of protected health information (PHI) made from the designated record set upon request.

REVISION HISTORY

Reviewed: 01/01/2022.

Next Review: 01/01/2023.

POLICY

An individual has the right to receive an accounting of disclosures of PHI made by MDHHS for up to six years from the date the accounting is requested, except for disclosures made:

- To carry out treatment, payment, and health care operations.
- From a MDHHS directory.
- For national security or intelligence purposes.
- To correctional institutions or law enforcement officials to provide them with information about a person in their custody.
- That occurred prior to April 14, 2003.
- To an individual of the individual's own PHI.
- To persons involved in the individual's care.
- Pursuant to the individual's authorization.
- As part of a limited data set.
- Incident to a use or disclosure otherwise permitted or required by the Privacy Regulations.
- For notification purposes that include disaster relief, emergencies, or in the case of an individual's death.

Examples (not all inclusive) of disclosures subject to accounting requirements include disclosures for, or pursuant to: 1) research (unless authorized by individual), 2) subpoenas, court orders, or discovery requests, 3) abuse and/or neglect reporting, 4) communicable disease reporting; 5) sharing of information between

government programs for eligibility and enrollment purposes; or 6) disclosures made in error.

**When other applicable privacy or confidentiality laws conflict with HIPAA, comply with the law that provides the individual with greater privacy protection or rights. (Examples of state and federal laws are: Medicaid, Substance Abuse, Public Health Code, HIV/AIDS/STDs, and Mental Health Code). When in doubt, contact the Compliance and Data Governance Bureau or the Legal Affairs Administration for assistance.*

REFERENCES

45 CFR §164.528, §164.502, §164.508, §164.512, §164.514(e), §164.5300)

CONTACT

For additional information concerning this policy, contact the MDHHS Compliance and Data Governance Bureau at MDHHSPrivacySecurity@michigan.gov.